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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,841	01/30/2004	Tomoyuki Yamamoto	09812.0159-01	7117
22852	7590	03/22/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			SCHNURR, JOHN R	
		ART UNIT	PAPER NUMBER	2623
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/768,841	YAMAMOTO, TOMOYUKI	
	Examiner John R. Schnurr	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01/30/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 43-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 43-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01/30/2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/854,775.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/30/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This Office Action is in response to Application No. 10/768,841 filed 01/30/2004. Claims 43-58 are pending and have been examined.
2. The information disclosure statement (IDS) submitted on 01/30/2004 was considered by the examiner.

### *Specification*

3. The disclosure is objected to because of the following informalities: Priority improperly claimed in the specification.

The first paragraph on page one of the specification states, "This application is a continuation of 09/854,775, filed May 14, 2001, now pending, which application is hereby incorporated by reference."

It should read, "This application is a continuation of 09/854,775, filed May 14, 2001, **now Pat. No. 6,725,215**, which application is hereby incorporated by reference." Appropriate correction is required.

### *Claim Objections*

4. Claims **47 and 55** are objected to because of the following informalities: Lack of clarity.

The claim does not state what the current time is being compared to in order to obtain the change value. For purposes of examination the current time was compared to the start time of the program. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 43, 46, 48, 49, 50, 51, 54, 56, 57 and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Hassell et al. (US Patent Application Publication 2005/0278771).**

Consider **claim 43**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

A program schedule displaying apparatus for displaying a record content, (**Fig. 5b shows a program guide displaying recorded contents.**) comprising:

storing means for storing a plurality of contents into a memory apparatus; (**Programs are recorded onto digital storage device 31 of Fig. 2. [0020]**)

content classifying means for classifying said stored contents; (**Stored programs may be classified by a plurality of different criteria. [0037]**)

virtual channel assigning means for assigning said classified contents to a virtual channel; (**Programs classified and stored on the digital storage device 31 are treated as additional channels. [0037]**)

arranging means for arranging classified contents into said virtual channel; (**Multiple rows of the program guide are used for different classifications of stored programs. [0037]**)

user operation receiving means for receiving a user operation for said stored contents; (**Signals from remote control 40 of Fig. 2 are received**

**at the set-top box and processed to control operation of the stored programs. [0039])**

rescheduling means for rescheduling said virtual channel in accordance with said user operation; **(Step 472 of Fig. 18 allows the user to reorganize the stored content. [0104])** and

displaying means for displaying dynamically said virtual channel on display. **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

Consider **claim 46**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein: said user operation is fast forward, rewind, slow, replay or scene jump. **(The user operation can include fast-forward, rewind, pause, stop or the like. [0040])**

Consider **claim 48**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein: said contents are programs provided via ground stations, satellite stations, wireless network or wired network. **(Fig. 1: Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016])**

Consider **claim 49**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein: said contents are comprised of visual and sound data. **(The programs received by the STB are comprised of video and audio data. [0021])**

Consider **claim 50**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein:

said contents are multimedia data or replay application programs. (**The contents received by the STB include program listings, programs (audio/video) and program data. [0024]**)

Consider claim 51, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

A program schedule displaying method for displaying a record content (**Fig. 5b shows a program guide displaying recorded contents.**), comprising the steps of:

storing a plurality of contents into a memory apparatus; (**Programs are recorded onto digital storage device 31 of Fig. 2. [0020]**)

classifying said stored contents; (**Stored programs may be classified by a plurality of different criteria. [0037]**)

assigning said classified contents to a virtual channel; (**Programs classified and stored on the digital storage device 31 are treated as additional channels. [0037]**)

arranging classified contents into said virtual channel; (**Multiple rows of the program guide are used for different classifications of stored programs. [0037]**)

receiving a user operation for said stored contents; (**Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039]**)

rescheduling said virtual channel in accordance with said user operation; (**Step 472 of Fig. 18 allows the user to reorganize the stored content. [0104]**) and

displaying dynamically said virtual channel on display. (**Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022]**)

Consider claim 54, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein: said user operation is fast forward, rewind, slow, replay or scene jump. (**The user operation can include fast-forward, rewind, pause, stop or the like. [0040]**)

Consider **claim 56**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein:  
said contents are programs provided via ground stations, satellite stations, wireless network or wired network. (**Fig. 1: Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016]**)

Consider **claim 57**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein:  
said contents are comprised of visual and sound data. (**The programs received by the STB are comprised of video and audio data. [0021]**)

Consider **claim 58**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein:  
said contents are multimedia data or replay application programs. (**The contents received by the STB include program listings, programs (audio/video) and program data. [0024]**)

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 44 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. (US Patent Application Publication 2005/0278771) in view of Durlach (US Patent 6,807,367).

Consider claim 44, Hassell et al. clearly teach a recorded program schedule displaying apparatus with a play segment indicator 135 as shown in Fig. 12b;

The program schedule displaying apparatus according to claim 43 (Fig. 5b shows a program guide displaying recorded contents.)

However, Hassell et al. do not explicitly teach a display showing the current position of the video being displayed. Specifically, Hassell et al. do not teach:

    said displaying means displays an indicator of current replaying position.

In the same field of endeavor Durlach, which discloses a system for displaying video, clearly teaches;

    said displaying means displays an indicator of current replaying position. (Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the video progress meter, as taught by Durlach, in the system disclosed by Hassell et al. for the advantage of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider claim 52, Hassell et al. clearly teach a recorded program schedule displaying apparatus with a play segment indicator 135 as shown in Fig. 12b;

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The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**)

However, Hassell et al. do not explicitly teach a display showing the current position of the video being displayed. Specifically, Hassell et al. do not teach:

further comprising the step of: displaying an indicator of current replaying position.

In the same field of endeavor Durlach, which discloses a system for displaying video, clearly teaches;

further comprising the step of: displaying an indicator of current replaying position. (**Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the video progress meter, as taught by Durlach, in the system disclosed by Hassell et al. for the advantage of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

10. **Claims 45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. (US Patent Application Publication 2005/0278771) in view of Maissel et al. (US Patent Application Publication 2003/0088872).**

Consider **claim 45**, Hassell et al. clearly teach a recorded program schedule displaying apparatus with a variety of program classification criteria;

The program schedule displaying apparatus according to claim 43 (**Fig. 5b shows a program guide displaying recorded contents.**), wherein:

said content classifying means classifies in accordance with a broadcasting time sequence, (**Programs can be classified using any pre-defined organization criteria, [0037], one such pre-defined criteria is program times as transmitted from the main facility 12 of Fig. 1 to the user television equipment 22, [0017].**)

Hassell et al. further teach that the organization criteria may be any user defined criteria. However, Hassell et al. do not explicitly teach the use of user preferences or viewing history. Specifically, Hassell et al. do not teach:

order of recommendation rating for the user preference, or past viewing history of the user.

In the same field of endeavor Maissel et al., which discloses a recording system for digital television, clearly teaches;

order of recommendation rating for the user preference, or past viewing history of the user. (**A viewer preference profile is created indicating types of programs preferred by the viewer. Maissel [0173]**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the viewer preference profile, as taught by Maissel et al., in the system disclosed by Hassell et al. for the advantage of customizing an electronic program guide for an individual user (see [0045] of Maissel et al.).

Consider **claim 53**, Hassell et al. clearly teach a recorded program schedule displaying apparatus with a variety of program classification criteria;

The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**), further comprising the step of:

classifying in accordance with a broadcasting time sequence, (**Programs can be classified using any pre-defined organization criteria, [0037], one such pre-defined criteria is program times as transmitted from the main facility 12 of Fig. 1 to the user television equipment 22, [0017].**)

Hassell et al. further teach that the organization criteria may be any user defined criteria. However, Hassell et al. do not explicitly teach the use of user preferences or viewing history. Specifically, Hassell et al. do not teach:

order of recommendation rating for the user preference, or past viewing history of the user.

In the same field of endeavor Maissel et al., which discloses a recording system for digital television, clearly teaches;

order of recommendation rating for the user preference, or past viewing history of the user. (**A viewer preference profile is created indicating types of programs preferred by the viewer. Maissel [0173]**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the viewer preference profile, as taught by Maissel et al., in the system disclosed by Hassell et al. for the advantage of customizing an electronic program guide for an individual user (see [0045] of Maissel et al.).

11. **Claims 47 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. (US Patent Application Publication 2005/0278771) in view of Schein et al. (US Patent 6,323,911).**

Consider **claim 47**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

**The program schedule displaying apparatus according to claim 43 (Fig. 5b shows a program guide displaying recorded contents.)**

However, Hassell et al. do not explicitly teach acquiring the current time and using it to calculate a value when a user input is received. Specifically, Hassell et al. do not teach:

current time acquiring means for acquiring current time; and

calculating means for calculating change value comparing said current time when receiving said user operation.

In the same field of endeavor Schein et al., which discloses a system for displaying television schedule information, clearly teaches;

current time acquiring means for acquiring current time; (**The current time is obtained by the EPG and displayed in the lower right corner as shown in Fig. 4A. Schein et al.**) and

calculating means for calculating change value comparing said current time when receiving said user operation. (**When the user enters the EPG, via input from the remote control device 2 of Fig. 1, the current time is used to calculate the portion of the program that has already been played. Schein et al. Column 9 Lines 13-18**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the calculation of the amount of

the program already played, as taught by Schein et al., in the system disclosed by Hassell et al. for the advantage of visually indicating the time remaining in each program (see Column 2 Lines 44-60 of Schein et al.).

Consider **claim 55**, Hassell et al. clearly teach a recorded program schedule displaying apparatus;

The program schedule displaying method according to claim 51 (**Fig. 5b shows a program guide displaying recorded contents.**), further comprising the steps of:

However, Hassell et al. do not explicitly teach acquiring the current time and using it to calculate a value when a user input is received. Specifically, Hassell et al. do not teach:

acquiring current time; and

calculating change value comparing said current time when receiving said user operation.

In the same field of endeavor Schein et al., which discloses a system for displaying television schedule information, clearly teaches;

acquiring current time; (**The current time is obtained by the EPG and displayed in the lower right corner as shown in Fig. 4A. Schein et al.**) and

calculating change value comparing said current time when receiving said user operation. (**When the user enters the EPG, via input from the remote control device 2 of Fig. 1, the current time is used to calculate the portion of the program that has already been played. Schein et al. Column 9 Lines 13-18**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the calculation of the amount of the program already played, as taught by Schein et al., in the system disclosed by Hassell et al. for the advantage of visually indicating the time remaining in each program (see Column 2 Lines 44-60 of Schein et al.).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS



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